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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/276,346	03/25/1999	SENTHIL K. VISWANATHAN	33361-00026U	1967

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EXAMINER

HO, CHUONG T

ART UNIT

PAPER NUMBER

2664

DATE MAILED: 06/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/276,346

Applicant(s)

Senthil K. Viswanathan et al.

Examiner

Ho

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED Jun 2, 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

Therefore, further action by the applicant is required to avoid the abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

THE PERIOD FOR REPLY [check only a) or b)]

- a) ☒ The period for reply expires three months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see NOTE below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See attachment

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1-11 and 14-20

Claim(s) withdrawn from consideration: _____

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____

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1. The Applicant's response filed 06/02/03 have been entered and made of record.
2. Applicant's argument filed 06/02/03 have been fully considered but they are not persuasive.

As per to Applicant's argument, see page 10, lines 11-18, the Applicant's argue in substance the following:

"the office action fails to show that the proposed McGill-Sakamoto combination discloses, teaches, or suggests "working circuitry" and protection circuitry" that are "**synchronized to each other**"..... The office action fails to explain how selecting a switch fabric based on bit error rates discloses, teaches, or suggest two circuits that are "synchronized to each other" "

The Applicant's argument is not persuasive.

As to argument, Sakamoto teaches, discloses, or suggests "working circuitry" (working plane) and "protection circuitry" (protection plane) that are "synchronized to each other" (see abstract, the setting of a switchover indication **synchronize** a switchover of an opeation to count user cells **between** the line interfaces of the **active** (working circuitry) and **standby** (protection circuitry) systems with a switchover of a stream of input cells to an ATM switch by a selector, see col. 4, lines 6-13, due to the system switchover between **the working path** and **the protection path** at a **synchronizing** point of the stream of input cells and hence there is attained integrity between the count value of the line interface circuit of the active system before the system switchover and that of the line interface circuit to be used as the active system after the system switchover).


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McGill discloses method for establishing identical data in a dual ATM switch. It is concerned with synchronization between an active and standby switch (see col. 1, lines 33-35), see col. 2, lines 7-9, it is necessary that the two planes (working plane and protection plane) of the prior art system work in close synchrony). Therefore, the proposed McGill-Sakamoto combination discloses, teaches, or suggests "working circuitry" and protection circuitry" that are **"synchronized to each other."**

3. Any inquiry concerning this communication or earlier communications from the examiner should be direct to Chuong Ho whose telephone number is (703)306-4529. The examiner can normally be reached on Monday through Friday from 8:00 am to 4:00 pm.

Ch.

06/12/03



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